

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 06-20364-BC
Honorable Thomas L. Ludington

THOMAS MCCRAY,

Defendant.

_____ /

ORDER DENYING MOTION FOR SENTENCING TRANSCRIPTS

Defendant Thomas McCray pleaded guilty to distribution of less than five grams of cocaine base, 21 U.S.C. §841(a)(1), and possession of a firearm during a drug trafficking crime, 21 U.S.C. 924(c)(1)(A), and was sentenced to 170 months in prison on April 30, 2008. A notice of appeal was never filed, nor is the Court aware of a pending collateral attack on the conviction or sentence pursuant to 28 U.S.C. §§ 2255 or 2241. Now before the Court is Defendant's July 14, 2009 motion requesting a free copy of his sentencing transcripts because "in light of recent relevant" case law the sentencing court "may have committed error when it imposed it." [Dkt. 222]. According to the motion, he "has been incarcerated since the day of his arrest and he has no money to pay for the Transcripts."

Although federal law may allow for a collateral appeal of Defendant's sentence if the Court did in fact commit error when it imposed it, *see* 28 U.S.C. §§ 2255 and 2241, and provide procedures to accommodate his lack of financial resource, *see* 28 U.S.C. § 1915, in this case Defendant has not commenced any appeal of his conviction or sentence. [Dkt. # 224]. The Court is not aware of any obligation of the government to provide Defendant with sentencing transcripts at government expense.

Accordingly, it is **ORDERED** that Defendant's motion for sentencing transcripts is **DENIED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 24, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 24, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS